

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**ERROL FLYNN SHEPARD,**

**Defendant.**

**8:02CR353**

**MEMORANDUM AND ORDER**

This matter is before the Court on the Defendant's correspondence, filed at ECF No. 862. Defendant Errol Flynn Shepard seeks appointment of counsel for potential relief under the First Step Act of 2018.<sup>1</sup>

The Federal Public Defender entered his appearance in this matter on March 5, 2019, ECF No. 868, pursuant to the Court's General Order, ECF No. 863.

Accordingly,

IT IS ORDERED:

1. The Defendant's correspondence filed at ECF No. 862 is denied as moot; and
2. The Clerk will mail a copy of this Memorandum and Order to the Defendant at his last known address.

Dated this 11<sup>th</sup> day of March 2019.

BY THE COURT:

s/Laurie Smith Camp  
Senior United States District Judge

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<sup>1</sup> The Fair Sentencing Act of 2010, Pub. L. No. 111-220, 124 Stat. 2372 (2010), effective August 3, 2010, reduced the penalties for certain crack cocaine offenses. The First Step Act, Pub. L. No. 115-391, 132 Stat. 5194 (2018), permits but does not require sentencing judges to reduce sentences imposed prior to the Fair Sentencing Act.